

## **REMARKS/ARGUMENTS**

Reconsideration of this Application and entry of this Amendment is respectfully requested. Support for the amendments can be found in Applicant's specification, for example, in paragraphs [0024] and [0046], as well as the originally filed claims. It is noted that claim 16 has been clarified wherein the recited term "bioresorbable" refers of the stent, not to the coating thereon.

### **35 U.S.C. §102 Rejections**

The Examiner rejected claims 26, 27, 29, and 30 under 35 U.S.C. §102(a) as being anticipated by Edgren et al. (U.S. Patent No. 6,245,357 B1). These claims having been amended, this rejection is rendered moot. Insofar as it applies to the presently pending claims, it is respectfully traversed.

Edgren et al. do not teach the claimed implantable medical device (stents, probes, catheters, pacing leads, vascular grafts, access devices, in-dwelling access ports, valves, plates, barriers, supports, shunts, discs, and joints) using bioabsorbable polymers.

Withdrawal of this rejection is respectfully requested.

The Examiner rejected claims 28 and 31 under 35 U.S.C. §102(a) as being anticipated by Edgren et al. (U.S. Patent No. 6,245,357 B1) in view of Shah (U.S. Patent No. 6,020,004). These claims having been amended, this rejection is rendered moot. Insofar as it applies to the presently pending claims, and to the extent this rejection is understood, it is respectfully traversed. Although this rejection was made under 53 U.S.C. §102(a), it is assumed that it should have been made under 35 U.S.C. §103(a). Clarification is requested.

Neither Edgren et al. nor Shah, taken alone or in combination, teaches the claimed implantable medical device (stents, probes, catheters, pacing leads, vascular grafts, access devices, in-dwelling access ports, valves, plates, barriers, supports, shunts, discs, and joints) using bioabsorbable polymers.

Withdrawal of this rejection is respectfully requested.

35 U.S.C. §103 Rejections

The Examiner rejected claims 1-3, 6-8, 12-16, 18-20, and 23 under 35 U.S.C. §103(a) as being unpatentable over Kamath et al. (WO 2000/32255) in view of Siepmann et al. (“Understanding and Predicting Drug Delivery” Pharmaceutical Research, Vol. 19, No. 3, pages 306-314), further in view of Shwarz et al. (U.S. Patent No. 6,368,658). These claims having been amended, this rejection is rendered moot. Insofar as it applies to the presently pending claims, it is respectfully traversed.

The combination of documents does not teach the claimed implantable medical device (stents, probes, catheters, pacing leads, vascular grafts, access devices, in-dwelling access ports, valves, plates, barriers, supports, shunts, discs, and joints) with the gradient coating using bioabsorbable polymers. In particular, Siepmann et al. do not teach the recited devices or bioabsorbable polymers. Neither Kamath et al. nor Schwarz et al. teaches or suggests an implantable medical device directed to a gradient layering of two or more differing molecular weight polymers coated on at least a portion of a surface of an implantable medical device, wherein the differing molecular weight polymers are selected to controllably affect the releasability of said at least one pharmaceutical compound.

Withdrawal of this rejection is respectfully requested.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 543-0221.

Respectfully submitted,

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